

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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APPLIED ENERGETICS, INC.,

Plaintiff,

- vs. -

STEIN RISO MANTEL MCDONOUGH, LLP,

Defendant.
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: Case No.: 1:19-cv-01232-AJN
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: **NOTICE OF MOTION TO**
: **DISMISS PURSUANT TO**
: **FED. R. CIV. P. 9(b) and 12(b)(6)**
:

PLEASE TAKE NOTICE, that, upon the accompanying Memorandum of Law, and the authorities cited therein, and upon all other prior papers and proceedings in this action, Defendant, STEIN RISO MANTEL MCDONOUGH, LLP, shall move this Court, before Hon. Alison J. Nathan, at the United States District Court, 40 Foley Square, New York, New York 10007, for an Order: (1) dismissing the Plaintiff's Second Amended Complaint, on the merits and with prejudice, pursuant to Fed R. Civ. P. 9(b) and 12(b)(6); (2) directing the Court Clerk to enter judgment in favor of the Defendant; and (3) granting such other and further relief as this Court deems just and proper.

Dated: New York, New York
July 31, 2019

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

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TO:

ALL COUNSEL VIA ECF